



Sheffield City Council

Annual Report of Complaints and Representations (Children Act 1989 Representations Procedure (England) Regulations 2006)

1 April 2018 – 31 March 2019



1.0 Introduction

- 1.1 This report provides information about complaints and representations made between 1 April 2018 and 31 March 2019 about Children Social Care services, under the complaints and representations procedures established through the Children Act 1989 Representations Procedure (England) Regulations 2006.
- 1.2 The report has been written by the Council's Complaints Manager (in the role of Complaints Manager as defined by the Regulations) and the Assistant Director with responsibility for Safeguarding and Quality Assurance across the Children and Families Service, on behalf of the Director of Human Resources and Customer Services and the Director of Children and Families.
- 1.3 The provision of an annual report is a statutory requirement. The report provides details of complaints and feedback received across the Children and Families Services covered by the statutory complaints legislation. This covers social work and family support services to children, young people and their families, and provider services, such as children's residential homes and family placements.

2.0 What is a complaint?

- 2.1 Statutory guidance, which accompanies the Children Act 1989 Representations Procedure (England) Regulations 2006¹, defines a complaint as "an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response."
- 2.2 This complements Sheffield City Council's definition, which is any expression of dissatisfaction whether justified or not.

3.0 Who can make a complaint?

- 3.1 Anyone who uses Sheffield City Council services can make a complaint.
- 3.2 The Council's corporate complaints procedure provides a process for all customers to use.
- 3.3 If a complaint is about children's social services, the statutory process, as defined by The Children Act 1989 Representation Procedure (England) Regulations 2006, may be used.
- 3.4 A person can make a complaint under the statutory process if they are an eligible individual (as defined by s26(3) and s24 D of the Children Act 1989 and s3(1) of the Adoption and Children Act 2002) and the complaint relates to Part 3, 4 or 5 of the Children Act 1989. Also included are adoption support services and specialist guardian support services.

¹ Getting the Best from Complaints – department for education and skills

4.0 Stages of the Children Act Complaint Procedure

4.1 The Children Act complaints procedure has three stages.

Stage 1 Local Resolution: the focus of this stage is resolution. The timescale for a response is 10 working days, with the option of a further extension of 10 working days where necessary.

Stage 2 Formal Investigation: where a complainant is dissatisfied with the outcome of stage 1, they may choose to progress to stage 2. A formal investigation is then conducted by an Investigating Officer, and reported to a Senior Manager in the Children and Families Service, who adjudicates on the findings. The Investigating Officer is usually independent of the Council and, in accordance with the regulations, is accompanied by a separate Independent Person. The timescale for a response is 25 working days, or up to 65 working days where this is required.

Stage 3 Review Panel: this is the final stage of the complaints procedure. A Review Panel will be arranged within 30 working days of the request being made, and comprises three independent panellists.

4.2 Customers who remain dissatisfied may refer their complaint to the Local Government and Social Care Ombudsman at any time, although the Ombudsman will usually expect the Local Authority's complaints process to be completed before becoming formally involved.

5.0 Complaints received

5.1 During 2018/19, 140 new complaints were received and considered under the Children Act Statutory Complaints Procedure. This is a 6% increase on the number received in 2017/18 (132). The majority of complaints received (65%) were in relation to the Area Fieldwork Services Teams. Table 1 below shows a breakdown of the numbers of complaints by service/team and also reflects the separate services now in place to support Looked after Children and Care Leavers which were previously delivered by the Permanence and Through Care Service.

5.2 The cause of complaint is categorised from the customer's perception upon receipt. A single complaint can be recorded against more than one category, and so the total will usually exceed the number of complaints received. Table 2 shows that from the customer's perspective, the highest overall category of complaint during 2017/18 was quality (50%) and the highest detailed category of complaint was poor communication/wrong, unclear or misleading information given (22%).

5.3 During 2018/19, seven complaints were escalated to stage 2 and five complaints escalated to stage 3. Table 3 shows a comparison between the numbers of complaints received and escalated complaints over the last three years.

5.4 The Children's Social Care service works hard to resolve complaints at the local resolution stage of the procedure and this is thought to be the reason behind the overall continued low levels of escalated complaints. Service managers will often, with the agreement of customers, become personally involved and meet

customers to address and resolve any outstanding/ continued dissatisfaction without the need for formal independent investigation. A significant number of complaints that were independently investigated at Stage 2 of the statutory complaints procedure were escalated for independent review by a complaints Review Panel during 2018/19.

Table 1: Children Act Complaints Received by Service/Team

Fieldwork Services:	2016/17	2017/18	2018/19
Children with Disabilities (including Transitions)	7	6	10
Fieldwork Services – East	25	29	29
Fieldwork Services – North	33	41	27
Fieldwork Services – West	19	31	35
Looked After Children Service	N/A	N/A	11
Provider Services:			
Adoption Service	5	3	5
Aldine House Secure Children's Centre	0	1	0
Care Leaver Service	N/A	N/A	7
Fostering	1	1	6
Permanence and Through Care	8	11	N/A
Residential (LDD & Short Breaks)	1	1	0
Residential (Mainstream)	0	2	0
Prevention and Early Intervention			
Sheffield Safeguarding Hub	N/A	5	6
Safeguarding Children Service:			
Safeguarding Service	0	0	1
Independent Reviewing Service	1	0	1
Other:			
Equipment and Adaptations	2	1	1
0-25 (previously Transitions)*			1
Total	102	132	140

Table 2: Complaints received 2018/19 by problem category

Problem	Details	Number
Delay (20)	Delay in delivering a service	5
	Delay in Making a Decision	1
	Delay in providing information	4
	Delay in taking action	10
Failure or Refusal (67)	Failure or refusal to deliver a service	17
	Failure or refusal to give advice/provide information	16
	Failure or refusal to respond to letters/emails/phone calls or meet	7
	Failure or refusal to take action/make a decision	24
	Other Failure or refusal problem	3

Quality (164)	Breach of confidentiality	9
	Inadequate or incorrect advice /information given	3
	Inappropriate or incorrect action taken	59
	Incorrect/unreasonable decision	14
	Poor communication /wrong, unclear or misleading information given	73
	Other quality issue	6
Staff Conduct (76)	Discriminatory behaviour	9
	Lack of customer care	4
	Lack of knowledge/training	5
	Poor customer care	35
	Rude or aggressive behaviour	6
	Unhelpful attitude	8
	Other staff conduct issue	9

Table 3: Complaint Numbers: New/Escalated Complaints

Children Act Complaints	2016/17	2017/18	2018/19
New Complaints	102	132	140
Complaints Escalated to Stage 2	4	8	7
Complaints Escalated to Stage 3	0	0	5

6.0 Response Times

- 6.1 A breakdown of response timescales during 2018/19 is provided in tables 4 to 7 below. Table 4 shows that the average response time at Stage 1 has increased to 39 working days from 34 working days reported the previous year. The percentage of stage 1 responses issued within the 20 working day target timescale has also fallen to 28% (31% previous year). Response timescales at stage 1 continue to be a challenge for the Children and Families Service. Senior Managers continue to work closely with the Customer Feedback & Complaints Team to better understand reasons for delay and reinforce messages to staff around timeliness. Weekly open case reports are discussed regularly at Team Meetings.
- 6.2 Response timescales for stage 2 complaints are shown from both the date the stage 2 request was accepted and also the date the stage 2 complaint statement was agreed with the customer. The stage 2 target timescales (25 and 65 working days) continue to be a challenge due to the complexity of the individual complaints, and the availability of the independent investigation team and those identified for interview. Overall the average time taken to resolve and respond to stage 2 complaints (from date stage 2 complaint statement was agreed by the customer) was 73 working days and is slightly lower than the 76 working days reported previous year, with one out four stage 2 responses being completed within the 65 working day timescale.

6.3 The stage 3 target response timescale is 50 working days. There were 6 Complaint Review Panels held in 2018/19 with an overall average response time of 64 working days. Delays were mainly due to 4 of the panels being held over a 6 week period and the availability of Independent People to sit on Panel and other attendees. There was delay in setting up one of the other panels due to the Xmas break.

6.4 Reducing response times continues to be a key priority for 2019/20.

Table 4: Stage 1 Response Times

Stage 1 Response Timescales	Number	%
Within 10 working days	7	6%
11- 20 working days	25	22%
1 - 2 months	55	47%
2 - 3 months	15	13%
3 - 6 months	11	9%
6 - 9 months	3	3%
Total	116	100%
Average response timescale	39 working days (34 working days 2017/18)	

Table 5: Stage 2 Response Times (from date stage 2 request accepted)

Stage 2 Response Timescales	Number	%
Within 25 working days	0	
Within 65 working days	0	
3 - 6 months	3	75%
6 - 9 months	1	25%
Total	4	100%
Average response timescale	124 working days (109 working days 2017/18)	

Table 6: Stage 2 Response Times (from date stage 2 statement of complaint agreed with customer)

Stage 2 Response Timescales	Number	%
Within 25 working days	0	
Within 65 working days	1	25%
3 - 6 months	3	75%
6 - 9 months	0	
Total	4	100%
Average response timescale	73 working days (76 working days 2017/18)	

Table 7: Stage 3 Response Times

Stage 3 Response Timescales	Number	%
Within 50 working days	0	
Within 3 months	5	83%
Over 3 months	1	17%
Total	6	100%
Average response timescale	64 working days	

7.0 Outcomes of complaints

- 7.1 In total, 125 Children Act complaints were concluded during 2018/19. A breakdown of complaint outcomes is shown in table 8 below. This information includes outcome details for 13 complaints that had remained open from the previous year. The complaints that concluded at stage 2 and 3 included some complaints that were escalated from the previous year.

Table 8: Complaint Outcomes

Complaint Outcome	Stage 1	Stage 2	Stage 3
Agreed Way Forward	57	2	1
Misunderstanding Clarified	38	0	0
No Action Necessary	3	0	0
Service Failure – Remedy Offered	15	2	5
Withdrawn	2	0	0
Total	115	4	6

- 7.2 The outcome categories are fairly balanced and show a good attitude towards working with complainants to agree resolution.

8.0 Learning - Remedies/Service Improvements

- 8.1 The table below shows a breakdown of remedies and service improvements captured in respect of 121 Children Act complaints during 2018/19:

Table 9: Remedies/Service Improvements

Remedy/Service Improvement	Number
Apology	73
Financial payments	2
Improve Customer Care	3
Improvement Action/Follow up	0
Provide additional information or explanation	22
Provide or review employee training or guidance	11
Provide, review or change a service	19
Review or change customer literature	2
Review or change policy or procedure	13
Take action or enforce a decision	20
Total	165

- 8.2 Financial remedies and other reimbursements totalling £1,250 were recorded on the complaints system as being paid in 2018/19.
- 8.3 A number of complaints result in learning and improvements from an individual practice point of view. In 2018/19 there were a number of complaints regarding delays in assessment/decision making and insufficient/poor quality communication with families where managers intervened as part of the complaints process in order to get things back on track and to address practice issues with the individual workers involved.

Examples of areas of wider key learning and improvement actions agreed by the Children and Families Services during 2018/19 are outlined below:

- Improvements made to the paperwork used to gather information from parents/carers when placing a child in foster care.
- Reviewed the mail processes following a failure to respond to a parents correspondence.
- Developed leaflets to assist family members who are caring for children.
- Issued a reminder to staff around the need to consider the rights of non-resident parents and all family members in assessments and interventions.
- Reinforced the message to workers that when undertaking visits to SEN schools they should undertake direct work on the child's wishes and feelings.
- More robust monitoring has been put in place to ensure that sensitive information is not disclosed and confidentiality is not breached.
- Delivered additional training for foster carers to ensure greater understanding of the transition to adoption.
- Ensured more robust monitoring of paper records held on local sites.
- The Leaving Care service has reviewed the process for timely referrals, including the use of other Professional expertise around Attention Deficit Hyperactivity Disorder/Disorder Oppositional Defiance Disorder/Autistic Spectrum to work and engage young people with these diagnosis with aim of having full overview of a case with clear action plans and timeframes.
- Delivered a worksite session on safety planning with a particular focus on ensuring written safety plans are used in the majority of cases.

9.0 Accessibility/Equality Monitoring

- 9.1 The tables below show the diversity of customers raising Children Act complaints and the various ways in which these complaints are made.

Table 10: Customer Groups

Child/Young Person	Advocate	Parent	Adoptive Parent	Other Relative	Other	Total
11	1	100	9	11	8	140

- 9.2 Table 10 shows that 8% of complaints received in 2018/19 were made by children/young people, either independently or with the assistance of an advocate. This is a similar level to that reported in 2017/18 and slightly lower than 9% reported in 2016/17.
- 9.3 Wider equalities data is significantly limited, and so it is difficult to draw further conclusions in terms of accessibility to the Children Act complaint procedure.
- 9.4 The Children Act complaint procedure can be accessed by the range of different channels shown in Table 11 below – 72% of complaints were received in a written format.

Table 11: Access Channels

Access Channel	Number
Email	40
Form	30
Letter	31
Phone Call	39
In person	0
Total	140

10.0 Quality of responses

- 10.1 Each quarter, a sample of complaint responses is checked against a Quality Assurance (QA) Framework. During 2018/19, 39 responses were sampled, and the Children and Families Service overall QA score was 84%, which is above the target score of 80%.
- 10.2 Based on the responses sampled during the year, quality assurance scores could be improved by more managers having personal contact with complainants as part of their consideration/investigation of the complaint (no evidence of personal contact in 17 out of 39 complaint responses sampled). Some individual responses also scored low on empathy and demonstrating an understanding of the effect on the customer. This is being addressed as part of the manager development programme within the service.

11.0 Compliments and suggestions received

- 11.1 The Children and Families Service does receive compliments and suggestions but recording on the central customer feedback and complaints system is limited. Development of on-line forms and the Customer Relationship Management (CRM) system aims to improve recording and reporting of compliments and suggestions in future years.

12.0 Corporate Complaints

- 12.1 Some complaints received about Children and Families Services are not eligible for consideration under the statutory Children Act complaints procedure. This may be due to the nature of the complaint or the status of the complainant. Information relating to 50 Children and Families complaints received and logged for consideration under the Council's corporate procedure is included in Sheffield City Council's Customer Complaints and Feedback Annual Report 2018-2019.

13.0 Local Government and Social Care Ombudsman

- 13.1 Complaints received by the Local Government and Social Care Ombudsman may become the subject of informal enquiry or formal investigation, or the Ombudsman may issue a decision without making any enquiries of the Council. Sometimes the Ombudsman will receive complaints that have not been or are still under investigation by the Council. The Ombudsman may decide that involvement would be 'premature' in relation to a complaint and will give the Council an opportunity or further time to investigate and respond to the complaint.

13.2 During 2018/19, the Ombudsman received 12 children's social care related complaints.

13.3 The Ombudsman determined 15 children's social care complaints (some received previous year) during the same period: 9 complaints were deemed premature and referred back to the Council to deal with; 3 complaints were closed after initial enquiries (outside jurisdiction/no further action); 1 complaint was not upheld (no further action); 1 complaint was upheld (maladministration and injustice) and 1 upheld (maladministration - no injustice).

13.4 A summary of the two upheld complaints is provided below:

People – Children and Families	Mr and Mrs B complained the Council imposed restrictions on Mr B's contact with his grandchildren despite having no evidence he poses a threat to them, recorded inaccurate information in its records, failed to provide them with support and failed to respond to a complaint.	The Ombudsman found no evidence the Council's care records are inaccurate or that it failed to provide support when they asked for it. The Ombudsman did find fault in not carrying out a risk assessment before continuing restrictions on Mr B's contact with his grandchildren and delay in responding to a complaint that left Mr and Mrs B with uncertainty and distrust in the Council's procedures.	The Council agreed to apologise to Mr and Mrs B; carry out a risk assessment, and make Mr and Mrs B a payment of £250 to remedy the injustice caused.
People People Children & Families	Miss X complained about the behaviour of a social worker involved in her son's case. She says the Council has not properly dealt with her earlier complaints about the social worker's inappropriate behaviour.	The Ombudsman did not investigate the part of Miss X's complaint about the actions of the social worker before and during court action (outside jurisdiction). The Ombudsman did find evidence of fault in how the Council responded to Miss X's complaint (treated as enquiry and delay in responding) but this did not cause Miss X injustice because the Council then investigated the complaint and offered Miss X the opportunity for her complaint to be further reviewed.	No further remedy/service improvement identified.

14.0 Progress and achievements in 2018/19

14.1 Below is an outline of some of the key areas of development work we were able to progress/achieve in 2018/19:

- Complaints Manager has continued to attend Quality Assurance Service meetings on a quarterly basis and learning from complaints now feeds into service improvement and professional development work.
- Complaints Manager has attended senior leadership/management team meetings on request to report on complaint handling performance.
- The Customer Feedback and Complaints Team has developed monthly open complaints reporting to improve the tracking/monitoring of agreed actions.

- The Customer Feedback and Complaints Team has developed a classroom training course with colleagues in Learning and Development around handling complaints effectively.
- Complaints leaflets aimed at children and young people are now included in introductory information packs given to all families on initial social work visits.
- The contracts for the provision of Independent Investigators (stage 2 formal investigations) have been retendered and new contracts awarded for four years (until end Sept 2022).

15.0 Priorities for 2019/20

- 15.1 Customer Feedback and Complaints Team to deliver complaints briefing/refresher sessions across Children and Families Services.
- 15.2 Review and develop public facing complaints information on SCC website;
- 15.3 Review and develop online complaint form to ensure it is easy to use and to ensure effective routing of complaints.
- 15.4 Development of Customer Relationship Management (CRM) system to improve recording and reporting of complaints, compliments and suggestions.
- 15.5 Review and develop the information/guidance available to all employees and managers around resolving, investigating, reviewing and responding to complaints.
- 15.6 Launch new half day classroom course “Customer Complaints – Effective Handling” aimed at managers who resolve, investigate and respond to complaints. The Children and Families Service have committed to all relevant managers attending this course.
- 15.7 Review and retender contracts for the provision of Independent People (stage 2 formal investigations and stage 3 review panels).

Contact Us

If you would like to make a complaint, suggestion, or compliment, you can do this by completing an on-line form on Sheffield City Council's website:

<https://www.sheffield.gov.uk/home/your-city-council/make-complaint-council-service>

You can also telephone us on 0114 273 4567, or write to: Customer Services, Sheffield City Council, Town Hall, Pinstone Street, Sheffield S1 2HH

If you would like to comment on this report, or have any questions about the complaints procedure, please contact the Customer Feedback and Complaints Team at:

Email complaintmanagers@sheffield.gov.uk

Telephone 0114 273 4567, or write to us at the address given above.